

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

BILL OF INFORMATION FOR  
CONSPIRACY TO COMMIT WIRE FRAUD BY DEPRIVING  
THE PUBLIC OF ITS RIGHT TO RECEIVE HONEST SERVICES

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
WAYNE G. CRESAP	*	VIOLATION: 18 U.S.C. § 371
NUNZIO SALVADORE CUSIMANO	*	
a/k/a "Sal Cusimano"	*	
VICTOR J. DAUTERIVE	*	
a/k/a "V.J. Dauterive"	*	
	*	*

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **WAYNE G. CRESAP**, was a public official holding a high-level decision making position as an elected district court judge assigned to Division "C" of the 34<sup>th</sup> Judicial District for the Parish of St. Bernard, State of Louisiana.
2. The defendant, **NUNZIO SALVADORE CUSIMANO** (hereinafter "**Sal**

**Cusimano**") was a lawyer licensed to practice law within the State of Louisiana.

3. The defendant, **VICTOR J. DAUTERIVE** (hereinafter "**V.J. Dauterive**") was a lawyer licensed to practice law within the State of Louisiana.

4. As a district court judge, defendant, **WAYNE G. CRESAP**, had the authority and power under Article 333 of the Louisiana Code of Criminal Procedure to set bail for individuals arrested for violations of state law.

5. As an elected district court judge, the defendant, **WAYNE G. CRESAP**, executed an oath of office that included a declaration to uphold the laws of Louisiana and a duty to adhere to the Louisiana Code of Judicial Conduct.

6. Under the Louisiana Code of Judicial Conduct, district court judges shall be faithful to the law; shall be unswayed by partisan interests; shall perform judicial duties without bias or prejudice; shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice; shall not permit private or ex parte interviews, arguments or communications designed to influence their judicial action in any case, either civil or criminal; and shall dispose of all judicial matters promptly, efficiently and fairly.

7. Louisiana law, specifically Louisiana Revised Statutes, Title 14, Article 118, defines the felony offense of public bribery as the acceptance or offering to accept, directly or indirectly, anything of apparent present or prospective value by any person elected to public office or any public officer with the intent to influence the conduct of that person in relation to his or her position, employment, or duty. Louisiana law also defines the felony offense of public bribery as the giving or offering to give, directly or indirectly, anything of apparent present or prospective value to any person elected to public office or any public

officer with the intent to influence the conduct of that person in relation to his or her position, employment, or duty.

**B. THE CONSPIRACY:**

From in or around December, 2004 and continuing through April, 2009, in the Eastern District of Louisiana, and elsewhere, defendant, **WAYNE G. CRESAP**, defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE**, and others known and unknown to the United States Attorney, did knowingly and willfully combine, conspire, confederate and agree with each other, to use and cause to be used interstate wire communication facilities, for the purpose of executing a scheme to defraud the citizens of Louisiana and the Parish of St. Bernard of the honest and faithful services of state court judge **WAYNE G. CRESAP**, contrary to the provisions of Title 18, United States Code, Sections 1343 and 1346;

**C. THE SCHEME:**

1. From in or around December, 2004 and continuing through April, 2009, in the Eastern District of Louisiana, and elsewhere, defendant **WAYNE G. CRESAP**, defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE**, did knowingly and willfully devise a scheme and artifice to defraud the citizens of the State of Louisiana and Parish of St. Bernard, by depriving them of the honest and faithful judicial services of **WAYNE G. CRESAP**, services which should be free from deceit, bias, self-dealing and concealment.

2. Throughout the period of the conspiracy, defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE** were contacted by representatives of individuals being held in St. Bernard Parish prison under a bond obligation that they could not afford. Unable to secure the inmate's release, the representative would then contact attorney **SAL CUSIMANO** or attorney **V.J. DAUTERIVE** to facilitate the inmate's release. At this point

in the scheme, **SAL CUSIMANO** or **V.J. DAUTERIVE** would place a telephone call to Judge **WAYNE G. CRESAP** to have the secured bond obligation converted to an unsecured personal surety bond. After Judge **WAYNE G. CRESAP** converted the bond obligation to an unsecured personal surety obligation, the inmate's representative would then make a cash payment to attorney **SAL CUSIMANO** or attorney **V.J. DAUTERIVE**, who would then split the collected cash monies with Judge **WAYNE G. CRESAP** following the inmate's release.

3. It was further part of the scheme and artifice to defraud that defendant **WAYNE G. CRESAP**, defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE**, and others, used interstate wire communication facilities for the purpose of carrying out their scheme to release incarcerated individuals on personal surety bonds in exchange for cash by placing telephone calls to each other in Louisiana and Florida to discuss those bonds, the converting of those bonds by the defendant **WAYNE G. CRESAP** and the illegal payment of United States currency to defendant **WAYNE G. CRESAP** by defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE** for such conversion.

**D. OVERT ACTS:**

In furtherance of said unlawful conspiracy and to accomplish its illegal purposes, defendant **WAYNE G. CRESAP**, defendant **SAL CUSIMANO** and defendant **V.J. DAUTERIVE**, and others, committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. On or about, February 28, 2009, defendant **V.J. DAUTERIVE** placed a telephone call to the defendant **WAYNE G. CRESAP** to secure a personal surety bond and the release of an individual being held in custody at the St. Bernard Parish Prison.

2. On or about April 4, 2009, defendant **SAL CUSIMANO** placed a telephone call to the defendant **WAYNE G. CRESAP** to secure a personal surety bond and the release of an individual being held in custody at the St. Bernard Parish Prison.

3. On or about April 2, 2009, defendant **V.J. DAUTERIVE** paid the defendant **WAYNE G. CRESAP** over a thousand dollars in United States Currency for providing several personal surety bonds and ordering the release of multiple individuals being held in custody at the St. Bernard Parish Prison.

4. On or about April 9, 2009, defendant **SAL CUSIMANO** paid defendant **WAYNE G. CRESAP** over a thousand dollars in United States Currency for providing multiple personal surety bonds and ordering the release of several individuals being held in custody at the St. Bernard Parish Prison.

All in violation of Title 18, United States Code, Section 371.

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New Orleans, Louisiana  
July \_\_\_\_\_, 2009